

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### RESILIENT CLIP FASTENER

the specification of which (check one)

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as  
Application Serial No. \_\_\_\_\_ and  
was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

#### Priority Claim

_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	Yes	No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	Yes	No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	Yes	No

## DECLARATION AND POWER OF ATTORNEY

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States Provisional application(s) listed below:

### PRIOR PROVISIONAL APPLICATIONS

\_\_\_\_\_  
(application serial number)

\_\_\_\_\_  
(Month / Day / Year filed)

\_\_\_\_\_  
(application serial number)

\_\_\_\_\_  
(Month / Day / Year filed)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

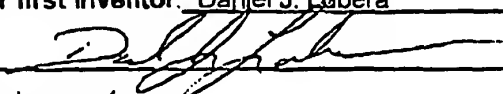
Application Serial No.	Filing Date	Status - patented, pending, abandoned
<u>09/772,046</u>	<u>January 29, 2001</u>	<u>Pending</u>
_____	_____	_____
_____	_____	_____

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint Harold Weinstein, Reg. No. 20613; Edward D. Murphy, Reg. No. 20625; John D. Del Ponti, Reg. No. 24258; Charles E. Yocum, Reg. No. 30121; Bruce S. Shapiro, Reg. No. 33120; Adan Ayala, Reg. No. 38373; Richard J. Veltman, Reg. No. 36,957; Michael P. Leary, Reg. No. 41144; and Ajay K. Gambhir, Reg. No. 44115 of The Black & Decker Corporation, 701 East Joppa Road, Towson, Maryland 21286, telephone (410) 716-3900; and Christopher M. Brock, Reg. No. 27313, and each principal, attorney of counsel, associate, and employee of Harness, Dickey & Pierce, P.L.C. who is a registered Patent Attorney, my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Harness, Dickey & Pierce, P.L.C., P. O. Box 828, Bloomfield Hills, Michigan 48303, telephone (248) 641-1600.

DECLARATION AND POWER OF ATTORNEY

Full name of sole or first inventor: Daniel J. Lubera

Inventor's signature: 

Date: 3/14/01

Residence: 15844 Orchard Lane, Roseville, Michigan 48066

Citizenship: United States of America

Post Office Address: 15844 Orchard Lane, Roseville, Michigan 48066

Full name of second joint inventor: Jacob A. Siudym, II

Second Inventor's signature: 

Date: 3-14-01

Residence: 13131 Imlay City Road, Emmett, Michigan 48022

Citizenship: United States of America

Post Office Address: 13131 Imlay City Road, Emmett, Michigan 48022

Full name of third joint inventor: Robert Osterland

Third Inventor's signature: 

Date: 3/14/01

Residence: 5740 Belleview, East China Township, St. Clair, Michigan 48054

Citizenship: United States of America

Post Office Address: 5740 Belleview, East China Township, St. Clair, Michigan 48054

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: Unassigned  
Filing Date: Herewith  
Applicant: Daniel J. Lubera et al.  
Group Art Unit: Unassigned  
Examiner: Unassigned  
Title: RESILIENT CLIP FASTENER  
Attorney Docket: 0275M-000320/COB

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Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

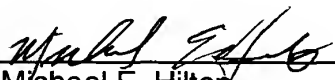
**REFERENCE TO RECORDED  
ASSIGNMENT OF PRIOR APPLICATION**

Sir:

This application is a continuation application of U.S. Application No. 09/813,592. A prior assignment of the prior application is recorded in the U.S. Patent and Trademark Office at Reel 011913, Frame 0450, and a copy of the assignment is provided herewith. This assignment recorded against the prior application gives the assignee rights to the subject matter common to both applications.

Respectfully submitted,

Dated: 28 JULY 03

By:   
Michael E. Hilton  
Reg. No. 33,509

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600  
MEH/kq

**ASSIGNMENT**

For valuable consideration, the receipt of which is hereby acknowledged, by each of us, we, Daniel J. Lubera of 15844 Orchard Lane, Roseville, Michigan 48066, Jacob A. Siudym, II of 13131 Imlay City Road, Emmett, Michigan 48022, Robert Osterland of 5740 Belleview, East China Township, St. Clair, Michigan 48054, do hereby sell and assign to EMHART INC., a corporation organized and existing under the laws of the State of Delaware, U.S.A., having its principal place of business at 1423 Kirkwood Highway, Newark, Delaware, U.S.A., its successors, assigns, nominees, or other legal representatives, the entire right, title and interest in and to the IMPROVEMENTS IN:

**RESILIENT CLIP FASTENER**

invented by us and the United States Patent application therefor, executed concurrently herewith, and all original and reissued patents granted therefor, and all divisions and continuations thereof, including the subject matter of any and all claims which may be obtained in every such patent, and the right to apply for and obtain patents, Utility Model Registrations, and Inventor's Certificates in countries foreign to the United States, and in and to any Letters Patent, Utility Model Registration, or Inventor's Certificate which may be granted thereon in such foreign countries, including all priority rights under the International Convention associated therewith for each country of the Union, and authorize and request the Commissioner of Patents and Trademarks of the United States, and any official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue the said Letters Patent, Utility Model Registration, or Inventor's Certificate to the said EMHART INC., its successors, assigns, nominees, or other legal representatives, as assignee of the entire interest, and covenant that we have full right to convey the entire interest herein assigned and that we have not executed and will not execute any agreement in conflict herewith, and agree that we will communicate to said Corporation, its successors, assigns, nominees, or other legal representatives, all facts known to us respecting said invention, whenever requested, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful oaths, and do all lawful acts requisite for the application for such divisional, continuing, or reissue applications, or the procuring thereof, and that if and when said EMHART INC., its successors, assigns, nominees, or other legal representatives desire to file a disclaimer relating thereto, we will, upon request, sign all lawful papers requisite for the filing of such disclaimer, and we further covenant and agree that we will, at any time upon request, do everything legally possible to aid said Corporation, its successors, assigns, nominees, or other legal representatives, either in its or their own name, to apply for, obtain, and enforce patent, Utility Model, and/or Inventor's Certificate protection for said improvements in all countries, all without further consideration but at the expense of said EMHART INC., its successors, assigns, nominees, or other legal representatives.

WITNESSES:

Daniel Zdrach 3-14-01

Laurum J. Hyman 3-14-01

Daniel J. Lubera  
Daniel J. Lubera

Date: 3/14/01

Daniel Zdrach 3-14-01

Laurum J. Hyman 3-14-01

Jacob A. Siudym, II  
Jacob A. Siudym, II

Date: 3-14-01

Robert Zdrach 3-14-01

Laurum J. Hyman 3-14-01

Robert Osterland  
Robert Osterland

Date: 3/14/01